

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

KHAN LASHONE MAYS

PLAINTIFF

V.

NO. 3:14CV00259-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ON PETITION FOR ATTORNEY'S FEES

Before the Court is Plaintiff's petition [23] for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Judgment [21] dated October 15, 2015, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks an award of attorney's fees in the amount of \$5,687.50, representing 32.5 hours of attorney work at a rate of \$175.00 per hour. Plaintiff also requests reimbursement for a mileage expense of \$57.50, which represents 100 miles at a rate of \$0.575 per mile. Plaintiff further requests \$31.28 in costs, which represents copying charges for 391 pages at \$0.08 per page.

While the Commissioner does not oppose any of the amounts requested by Plaintiff, the Court finds, consistent with its ruling in *Massey v. Commissioner*, Cause No. 3:14cv276-JMV, that an award of copying costs is prohibited in an *in forma pauperis* case, such as this, pursuant to 28 U.S.C. § 1915(f)(1).¹ Nevertheless, the Court finds that the amount of attorney's fees

¹In the *Massey* case, the undersigned relied in part on a Texas district court case cited by the Commissioner, *Sandoval v. Apfel*, 86 F. Supp. 2d 601, 611-614 (N.D. Tex. 2000) (finding photocopying costs are not recoverable against the United States in *in forma pauperis* cases pursuant to 28 U.S.C. 1915(f)(1)). The Court notes that counsel for the parties in *Massey* are the same counsel representing the parties in this case.

requested, \$5,687.50, along with the mileage expense of \$57.50, is reasonable and should be awarded to Plaintiff for the benefit of her counsel.

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay Plaintiff a total of \$5,687.50 in attorney's fees and \$57.50 in expenses for the benefit of her counsel.

This 18th day of November, 2015.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE